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June 6, 2012

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VIA OVERNIGHT MAIL

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Petition for Waiver of Dell Telephone Cooperative, Inc.; *Connect America Fund*, WC Docket No. 10-90, *A National Broadband Plan for Our Future*, GN Docket No. 09-51, *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, *High-Cost Universal Service Support*, WC Docket No. 05-337, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Link-Up*, WC Docket No. 03-109, *Universal Service Reform – Mobility Fund*, WT Docket No. 10-208

REQUEST FOR CONFIDENTIAL TREATMENT

Dear Ms. Dortch:

Enclosed for filing in the above-referenced dockets is the Petition for Waiver of Dell Telephone Cooperative (“Dell Telephone”).

Pursuant to Section 0.459(a) of the Commission’s rules,¹ Dell Telephone requests confidential treatment of parts of the petition and its exhibits that contain confidential and proprietary information related to Dell Telephone’s network and finances, including subscriber information, revenues by service type, loan information, and other sensitive financial data. This information is entitled to confidential, non-public treatment under the Freedom of Information Act (“FOIA”) and the related provisions of the Commission’s rules.²

Under Section 0.459 of the Commission’s rules, parties who submit confidential information to the Commission may file a request that the FCC not disclose the

¹ 47 C.F.R. § 0.459(a).

² 5 U.S.C. § 522; 47 C.F.R. §§ 0.0457 and 0.0459.

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information to the public. If that information is withholdable by the agency pursuant to an exemption of the FOIA, the Commission's rules require that the information remain confidential unless the Commission identifies a "compelling public interest in disclosure."³

In this case, the information in the enclosed filing constitutes commercial or financial information that the courts and the Commission routinely have found falls within Exemption 4 of the FOIA.⁴ Where the information is provided to the Government voluntarily, as is the case here, Exemption 4 protects as confidential any commercial or financial information that is "of a kind that would not customarily be released to the public by the person from whom it was obtained."⁵

Here, the commercially sensitive information for which Dell Telephone seeks confidential treatment relates to its network and finances, which is information that is not publicly available. Dell Telephone treats this information as highly confidential. Dell Telephone would not agree to submit this information in response to a request from the Commission staff without assurances that the information would be kept confidential. It would be highly inappropriate for this commercially sensitive information to be disclosed to the public or third parties absent the protection of a nondisclosure agreement.

³ Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, 13 FCC Rcd 24816 ¶ 8 (1998) ("*Confidential Treatment Order*"). Before authorizing release of information, the Commission "insists upon a showing that the information is a necessary link in a chain of evidence' that will resolve an issue before the Commission." *Id.* (quoting *Classical Radio for Connecticut, Inc.*, 69 FCC Rcd 1517, 1520 n.4 (1978)).

⁴ 5 U.S.C. § 552(b)(4); see, e.g., *Center for Public Integrity v. FCC*, 515 F. Supp. 2d 167 (D.D.C. 2007); *Cox Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,160 ¶ 6 (2004); *Comcast Cable Communications, Inc.; Request for Confidentiality for Information Submitted on Forms 325 for the Year 2003*, 19 FCC Rcd 12,165 ¶ 6 (2004).

⁵ *Critical Mass Energy Project v. Nuclear Regulatory Comm'n*, 975 F.2d 871, 879 (D.C. Cir. 1992) ("*Critical Mass*"); see also *Confidential Treatment Order*, 13 FCC Rcd 24816 ¶ 4.

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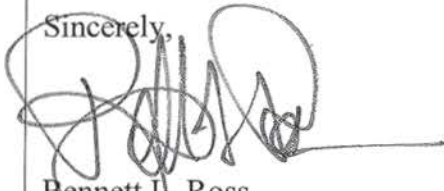
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Based on the foregoing, Dell Telephone requests confidential treatment pursuant to sections 0.457 and 0.459 of the Commission's rules and the Protective Order in the above-referenced dockets of the commercially sensitive information in Dell Telephone's Petition. Dell Telephone has marked each page of the non-redacted version of this filing with the legend "CONFIDENTIAL INFORMATION - SUBJECT TO PROTECTIVE ORDER IN CC DOCKET NO. 01-92, WC DOCKET NOS. 05-337, 07-135, 10-90, GN DOCKET NO. 09-51 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." Each page of the redacted version of this filing is marked with the legend "REDACTED - FOR PUBLIC INSPECTION."

Thank you for your attention to this matter.

Sincerely,



Bennett L. Ross

Counsel for Dell Telephone Cooperative

BLR:rw

Enclosure

cc: Sharon Gillett
Carol Matthey